



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Rights

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Division of Water Rights: <http://www.waterrights.ca.gov>



Gray Davis
Governor

NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

**APPLICATION: 31284
2002**

DATE FILED: January 23,

Notice is hereby given that Wallace W. McCoy has filed an application for a water right permit for diversion of water from three unnamed creeks tributary to Coarse Gold Creek in Madera County. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions should be included in the permit to protect the environment and other downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of a protest against the application. This notice and future notices of applications to appropriate water by permit, may be viewed and printed from the Division of Water Rights (Division) web-site at www.waterrights.ca.gov. Any correspondence to the applicant shall be mailed to:

Wallace W. McCoy
c/o Eric N. Robinson
Kronick, Moskovitz, Tiedemann & Girard
400 Capital Mall, 27th Floor
Sacramento, CA 95814-4416

DESCRIPTION OF THE PROJECT

The applicant seeks a right to collect water to storage behind three existing ponds (constructed in 2000). Pond A has a 16-foot-high dam forming a 8.24 acre-foot (af) capacity onstream pond with a surface area of 1.07 acres. Pond B has a 18-foot-high dam forming a 9.06 af capacity onstream pond with a surface area of 0.98 acres. Pond C has a 19-foot-high dam forming a 26.95 af capacity onstream pond with a surface area of 3.89 acres. Water collected to storage is used for irrigation of 71.28 acres of grapes, stockwatering, and fish and wildlife enhancement.

Board Order WR 98-08 identifies the Fresno River watershed as fully appropriated from May 1 through November 30 based on Board Decision 1407. However, Decision 1407 reserved 2,000 af of water within the watershed of the Fresno River, upstream of Hidden Dam for future local development. Since Application 31284 is located within the subject watershed and the water amount has not reached 2000 af to date, Application 31284 has been accepted as year round diversion pursuant to Decision 1407.

The project is located approximately 3 miles north of O'Neals and approximately 10 miles northeast of Hensley Lake.

According to Water Code section 1348, a minor project diverts less than or equal to 3 cubic feet per second (cfs) by direct diversion or 200 af per year by storage. A major project diverts greater than 3 cfs by direct diversion or 200 af per year by storage.

This is a "minor" project (less than 3 cfs by direct diversion or 200 af per year by storage) as

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>."

Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

defined by section 1348 of the Water Code.

APPLICATION INFORMATION

The applicant proposes to divert water from three Unnamed Creeks tributary to Coarse Gold Creek thence Fresno River thence San Joaquin River.

The Points of Diversion are located

within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 6, T9S, R21E, MDB&M

within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 5, T9S, R21E, MDB&M

within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 5, T9S, R21E, MDB&M.

The diversion and place of use are located within the County of Madera.

Amount of water applied for: 44.25 af per year (Storage).

Water will be used for Irrigation, Stockwatering, and Fish and Wildlife Enhancement.

The applicant has requested to divert water from January 1 to December 31.

Place of Use is described as follows:

Use Within	Section	Township	Range	B & M	Acres	Cultivated
N $\frac{1}{2}$	7	9S	21E	MD	20.15	N
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	6	9S	21E	MD	2	N
NW $\frac{1}{4}$	5	9S	21E	MD	37.01	N
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	5	9S	21E	MD	12.12	N

ENVIRONMENTAL INFORMATION

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information, which indicates that the project may cause a significant effect on the environment, please send this information to Mr. Mike Falkenstein, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROCEDURE FOR SUBMITTING PROTESTS

Any person may file a protest against the application. Protests should be submitted on standard protest forms available from the Division's web-site at www.waterrights.ca.gov/forms/, but can be submitted in letter form. A pamphlet that provides additional information relating to water rights and the procedure for filing protests can be obtained from the contact person listed below. The protest should be submitted to:

Yoko Mooring
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

In addition, the protestant must send a copy of the protest to the applicant.

Protests filed in response to this notice must either be postmarked, or received in the office of the SWRCB's Division of Water Rights (1001 "I" Street, 14th Floor, Sacramento, CA) **by 4:00 p.m.** on the **40th day** after the date of this notice. Due to the constraints of the noticing period, protests may be filed by FAX at (916) 341-5400. However, an original copy of all materials must be received for the SWRCB to consider your protest. For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below and receive an extension of time to submit the protest prior to the final filing date and time. The SWRCB will respond to all protests within 60 days of the final day to file a protest.

PROTEST REQUIREMENTS

Parties may file protests based on any of the following factors:

- Injury to existing water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. If the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the application. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to and includes conditions to protect vested water rights.

If the protest is based on environmental grounds, or other factors listed above, the protest must be accompanied by a statement of facts supporting the basis of the protest. The protest shall include a description of any measures that could be taken to resolve the protest, including modification of the application (i.e., amount, season of diversion, etc.) or conditions (i.e., fish bypass flow, measuring device, etc.) that could be included in the water right permit. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information.

RESOLUTION OF PROTESTS

The protestant(s) and the applicant are encouraged to discuss methods that could be used to resolve the protest. If the protest(s) cannot be resolved, the SWRCB may conduct a field investigation for minor projects, or hold a water right hearing for major projects.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of the protest forms or pamphlet, please contact Yoko Mooring by phone at (916) 341-5362. Protest forms may also be obtained from the Division's web-site at www.waterrights.ca.gov/forms/.

DATE OF NOTICE: August 30, 2002